

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION

EXSO CHANDLER

PLAINTIFF

VS.

CIVIL ACTION NO. 3:11cv84-DPJ-FKB

SHERIFF MIKE LEE, et al.

DEFENDANTS

REPORT AND RECOMMENDATION

This cause comes before the undersigned on Defendants' motion for summary judgment [33] and Plaintiff's motion for partial summary judgment [45]. Having considered the motions, the undersigned recommends that Defendants' motion be granted and that Plaintiff's motion be denied.

Plaintiff is a state inmate housed at the Mississippi State Penitentiary in Parchman, Mississippi. This action arises out of his previous incarceration at the Scott County Detention Center. In his amended complaint and in his testimony at the *Spears* hearing, Chandler alleged that detention center officials violated his rights by failing to mail his state court motion for post-conviction relief. Plaintiff argued that Defendants' motive for so doing was to retaliate against him for having sent complaints to outside entities about the detention center and for assisting other inmates with the filing of grievances. He also made general allegations regarding the failure of the detention center to provide adequate legal assistance to inmates and for failing to hold hearings in response to inmate grievances. Finally, he complained that the detention center requires inmates to deliver their non-privileged mail to jail officials unsealed so that it can be inspected for contraband.

At the omnibus hearing, in response to Plaintiff's allegations, Defendants produced a file-stamped copy of Plaintiff's PCR application, as well as a file-stamped copy of the order denying relief. Defendants' motion for summary judgment is based upon the now-undisputed fact that Chandler's PCR motion was mailed to the state court by detention center officials.

Chandler no longer contends that Defendants failed to mail his PCR application. However, in his response to Defendants' motion and in his own motion for summary judgment, as well as other filings, he nevertheless maintains he is entitled to relief based upon his other allegations. The undersigned disagrees. All of Plaintiff's remaining allegations are general complaints about the jail. Chandler has failed to set forth any facts showing that he suffered a constitutional injury because of the jail's mail policy, its manner of handling inmate grievances, or any inadequacies that may have existed concerning assistance with inmate's preparation of legal documents.

For these reasons, the undersigned recommends that Defendants' motion for summary judgment be granted, that Plaintiff's motion for partial summary judgment be denied, and that all claims be dismissed with prejudice. The parties are hereby notified that failure to file written objections to the proposed findings, conclusions, and recommendation contained within this report and recommendation within fourteen (14) days after being served with a copy shall bar that party, except upon grounds of plain error, from attacking on appeal the proposed factual findings and legal conclusions

accepted by the district court. 28 U.S.C. § 636; Fed. R. Civ. P. 72(b); *Douglass v. United Services Automobile Ass'n*, 79 F.3d 1415, 1428-29 (5th Cir. 1996).

Respectfully submitted, this the 3rd day of July, 2012.

/s/ F. Keith Ball
UNITED STATES MAGISTRATE JUDGE